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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,131	05/30/2006	Patrick Cyriel Van De Voorde	NL031380US1	3739

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EXAMINER

HOLLWEG, THOMAS A

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

11/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/581,131

Applicant(s)VAN DE VOORDE, PATRICK
CYRIEL**Examiner**

Thomas A. Hollweg

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment of Amendment After Final

1. Applicant's Amendment After Final of October 26, 2009, is acknowledged. No claims area added or canceled. Claims 1-6 and 8-13 are currently pending.
2. Applicant's arguments regarding the prior art reference Koster et al., US. Patent No. 5,945,779, found on page 8 of Applicant's Remarks, have been considered and are found to be convincing. **The finality of the Office Action of August 24, 2009, is withdrawn.**
3. The amendments to claims 1, 12 and 13 are acknowledged correcting minor informalities. The previous objections to these claims are withdrawn.
4. The objection to figure 1 is maintained, as explained below.
5. All other arguments are moot in light of new grounds for rejection.

Drawings

6. Applicant's response to the objection to figure 1 has been considered, however, it appears that the precise reason for the objection was either not clearly explained or clearly understood.
7. The reason for the objection is as follows: As shown, there is a portion of the conduction member 9 which curls around the base of the lamp, passes by contact member 20 and connects to contact member 10. Applicant's specification, on page 5, lines 13-15 and lines 22-23 both read: "The circular conducting strip allows insertion of the high-pressure discharge lamp assembly into a holder in any rotational position."

8. If the lamp assembly were inserted into a holder where the contact member of the holder were to make contact with contact member 20 at the position where conduction member 9 passes by contact member 20, conduction member 9 would be pinched between the holder and contact member 20. If this were the case, the lamp would have an electrical short and would not function.

9. Therefore, figure 1 is objected to because it does not show a high-pressure lamp assembly which can be inserted into a holder in any rotational position, as described in the specification. The examiner acknowledges that the lamp shown in figure 1 may function if the holder were of a specific shape and the lamp assembly was carefully inserted into the holder, however, such a lamp is in line with the lamp described in the specification or claims.

10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marien et al., U.S. Patent No. 5,698,936, in view of itself.

13. With regard to claim 1, in figures 1 and 2, Marien discloses a high-pressure discharge lamp assembly comprising a discharge lamp (30) and a concave reflector (1) arranged around a longitudinal axis (2), the discharge lamp (30) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (29) is arranged, wherein the first end portion of the discharge lamp (30) extends through an opening (between 4 and 5) provided in a center section of the reflector (1), a first current-supply conductor (26) connected to a first one of the pair of electrodes (29) and issuing to an exterior of the discharge lamp (30) at the first end portion of the discharge lamp (30); a second current-supply conductor (26) connected to a second one of the pair of electrodes (29) and issuing to the exterior of the discharge lamp (30) at the second end portion of the discharge lamp (2), a conduction member (26) connected to the second current-supply

conductor (26) and extending through the opening in the center section of the reflector (1), a contact member (screw portion 11) provided on the surface of the reflector (1) facing away from the discharge lamp (30) (although not extensively labeled, figure 1 clearly shows the conduction member on the left exiting the discharge lamp, bending to the left and contacting the outer surface of the reflector 1, sandwiched between the outer surface of the reflector 1 and the screw shaped contact member 11), wherein the discharge lamp (30) is mounted in a fixation means (25, 27) provided in the opening of the reflector (1), and wherein the conduction member (26) is guided through the fixation means (25, 27) (col. 3, line 50 – col. 4, line 33).

14. Marien does not expressly disclose that the conduction member connected to the second end is the conduction member in contact with the contact member which is provided on the surface of the reflector.

15. One having ordinary skill in the art would understand, in the Marien lamp assembly, that either conduction member may be connected to the contact member provided on the surface of the reflector, and that the disclosed lamp may be easily modified such that the conduction member connected to the second end is the conduction member in contact with the contact member which is provided on the surface of the reflector.

16. Therefore, at the time of invention, it would have been an obvious design choice for a person having ordinary skill in the art to construct the Marien lamp assembly such that the conduction member connected to the second end is the conduction member in contact with the contact member which is provided on the surface of the reflector

17. Examiner notes that the phrase "fixation means" is used, however this does not invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three prong test. The correct language is not used, and the phrase is not modified by functional language.

18. **With regard to claim 2**, in figures 1 and 2, Marien discloses that the reflector (1) is provided with a neck portion (5) arranged around the longitudinal axis (2), the contact member (11) being provided on a surface of the neck portion (5) facing away from the discharge lamp (30) (col. 3, line 50 – col. 4, line 33).

19. **With regard to claim 3**, in figures 1 and 2, Marien discloses that the contact member (11) is provided as a circular conducting strip around the reflector (1) (top portion of screw like contact member 11 is a circular strip (col. 3, line 50 – col. 4, line 33)).

20. **With regard to claim 6**, in figures 1 and 2, Marien discloses that that the neck portion (5) is provided with an opening for passing through the conduction member (26) (col. 3, line 50 – col. 4, line 33).

21. **With regard to claim 8**, in figures 1 and 2, Marien discloses that the neck portion (5) of the reflector (1) is provided with a substantially rotationally symmetrical lamp cap (10) of an insulating material, the lamp cap (10) being provided with the contact member (11) (col. 3, line 50 – col. 4, line 33).

22. **With regard to claim 9**, in figures 1 and 2, Marien discloses that the contact member (11) is provided as a circular conducting strip around the lamp cap (10) (col. 3, line 50 – col. 4, line 33).

23. **With regard to claim 10**, in figures 1 and 2, Marien discloses that the lamp cap (10) is provided with a multiplicity of indents for fixing the contact member (11) (col. 3, line 50 – col. 4, line 33).

24. **With regard to claim 11**, in figures 1 and 2, Marien discloses that a further contact member (6) is provided on the lamp cap (5) on a location where the longitudinal axis (3) intersects the lamp cap (5) (col. 4, lines 20-29).

25. **With regard to claim 12**, in figures 1 and 2, Marien discloses a high-pressure discharge lamp assembly comprising a discharge lamp (30) and a concave reflector (1) arranged around a longitudinal axis (2); the discharge lamp (30) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (30) is arranged, wherein the first end portion of the discharge lamp (30) extends through an opening (between 4 and 5) provided in a center section of the reflector (1); a first current-supply conductor (26) connected to a first one of the pair of electrodes (29) and issuing to an exterior of the discharge lamp (30) at the first end portion of the discharge lamp (30); a second current-supply conductor (26) connected to a second one of the pair of electrodes (29) and issuing to the exterior of the discharge lamp (30) at the second end portion of the discharge lamp (30), a conduction member (26) connected to the second current-supply conductor (26) and extending through the opening in the center section of the reflector (1), a contact member (11) provided on a surface of the reflector (1) facing away from the discharge lamp (30), wherein the discharge lamp (30) is mounted in a fixation means (25, 27) provided in the opening of the reflector (1) and, wherein the conduction

member (26) is guided though the fixation means (25, 27) (col. 3, line 50 – col. 4, line 33).

26. Marien does not expressly disclose that the conduction member connected to the second end is the conduction member in contact with the contact member which is provided on the surface of the reflector.

27. One having ordinary skill in the art would understand, in the Marien lamp assembly, that either conduction member may be connected to the contact member provided on the surface of the reflector, and that the disclosed lamp may be easily modified such that the conduction member connected to the second end is the conduction member in contact with the contact member which is provided on the surface of the reflector.

28. Therefore, at the time of invention, it would have been an obvious design choice for a person having ordinary skill in the art to construct the Marien lamp assembly such that the conduction member connected to the second end is the conduction member in contact with the contact member which is provided on the surface of the reflector

29. Examiner notes that the phrase “fixation means” is used, however this does not invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three prong test. The correct language is not used, and the phrase is not modified by functional language.

30. **Claims 4, 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marien, in view of Kika, WO/2003/022013. This Office Action relies upon and makes reference to the English language translation of Kika in**

U.S. Patent Application Publication, US 2004/0155594, which is the U.S. continuation of the international application.

31. **With regard to claim 4**, Marien discloses all of the limitations, as described in the rejection of claim 1 above, however, Marien does not expressly disclose a further contact member provided on the surface of the reflector, the further contact member being connected to the first current-supply conductor.

32. Kika, in figure 2A, teaches a high-pressure discharge lamp assembly where two contact members (17a, 17b) are provided on the outside surface of a lamp mounting cylindrical portion (16) [0116] (similar to the neck portion 5 of the Marien reflector 1). A skilled artisan would understand that the Marien lamp assembly may be modified with the two contact member arrangement taught by Kika, where two contact members are provided as two circular conducting strips around the lamp assembly on the surface of the lamp assembly facing away from the discharge lamp so that the lamp may be arranged in a holder in any rotational position.

33. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Marien lamp assembly where a further contact member is provided on the surface of the reflector, the further contact member is connected to the first current-supply conductor, in the arrangement taught by Kika, so that the lamp may be arranged in a holder in any rotational position.

34. **With regard to claim 5**, in figure 2A, Kika discloses that the further contact member (17b) is provided as a circular conducting strip around the lamp mounting cylindrical portion (16) [0116]. In the combined Marien and Kika lamp assembly

described in the rejection of claim 4, the further contact member is provided as a circular conducting strip around the reflector.

35. **With regard to claim 13**, in figures 1 and 2, Marien discloses a high-pressure discharge lamp assembly comprising a discharge lamp (30) and a concave reflector (1) arranged around a longitudinal axis (2), the discharge lamp (30) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (29) is arranged, wherein the first end portion of the discharge lamp (30) extends through an opening (between 4 and 5) provided in a center section of the reflector (1), a first current-supply conductor (26) connected to a first one of the pair of electrodes (29) and issuing to an exterior of the discharge lamp (30) at the first end portion of the discharge lamp (30); a second current-supply conductor (26) connected to a second one of the pair of electrodes (29) and issuing to the exterior of the discharge lamp (30) at the second end portion of the discharge lamp (2), a conduction member (26) connected to the second current-supply conductor (26) and extending through the opening in the center section of the reflector (1), and wherein the discharge lamp (30) is mounted in a fixation means (25, 27) provided in the opening of the reflector (1) (col. 3, line 50 – col. 4, line 33).

36. Marien does not expressly disclose a first contact member provided as a first circular conducting strip around the reflector on a surface of the reflector facing away from the discharge lamp, the first contact member being connected to the conduction member, and a second contact member provided as a second circular conducting strip

around the reflector on a surface of the reflector facing away from the discharge lamp, the second contact member being connected to the first current-supply conductor.

37. Kika, in figure 2A, teaches a high-pressure discharge lamp assembly where a first contact member (17a) is provided as a first circular conducting strip around the lamp assembly on a surface of the lamp assembly facing away from the discharge lamp (2), the first contact member (17a) being connected to a conduction member (23); and a second contact member (17b) provided as a second circular conducting strip around the lamp assembly on the surface of the lamp assembly facing away from the discharge lamp (2), the second contact member (17b) being connected to the first current-supply conductor (22) [0116], so that the lamp may be arranged in a holder in any rotational position.

38. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Marien lamp assembly where a first contact member provided as a first circular conducting strip around the reflector on a surface of the reflector facing away from the discharge lamp, the first contact member being connected to the conduction member, and a second contact member provided as a second circular conducting strip around the reflector on a surface of the reflector facing away from the discharge lamp, the second contact member being connected to the first current-supply conductor. as taught by Kika, so that the lamp may be arranged in a holder in any rotational position.

39. Examiner notes that the phrase "fixation means" is used, however this does not invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three

prong test. The correct language is not used, and the phrase is not modified by functional language.

Conclusion

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

41. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

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Supervisory Patent Examiner, Art Unit 2879